COMPELLING THE PRODUCTION OF CORPORATION BOOKS AND PAPERS.—Hale, the plaintiff in the case of *Hale* v. *Henkel, supra,* was served with a *subpoena duces tecum,* commanding him to produce before the grand jury all contracts, memoranda, correspondence, reports, letters, etc., having to do with the business of the MacAndrews & Forbes Company. He pleaded immunity from the operation of the subpoena under the 4th amendment, which prohibits unreasonable searches and seizures. The Court held that an order for the production of books and papers may constitute an unreasonable search and seizure within the 4th amendment. "While a search ordinarily implies a quest by an officer of the law, and a seizure contemplates a forcible dispossession of the owner, still, as was held in the *Boyd Case* [*Boyd* v. *United States,* 116 U. S. 616] the substance of the offense is the compulsory production of private papers, whether under a search warrant or a *subpoena duces tecum,* against which the person, be he individual or corporation, is entitled to protection. Applying the test of reasonableness to the present case, we think the *subpoena duces tecum* is far too sweeping in its terms to be regarded as reasonable. . . A general subpoena of this description is equally indefensible as a search warrant would be if couched in similar terms."

MR. JUSTICE MCKENNA, in a concurring opinion, dissented from the opinion of the court in all these particulars, and not only declared the *subpoena duces tecum* sufficient and valid, but thought it so far removed in its nature from a search warrant that its use could not be deemed within the restrictive force of the 4th Amendment. And he went so far as to hold that if the 5th Amendment did not apply to corporations, neither did the 4th Amendment apply to them. But no other member of the court agreed with him.

These three propositions summarize the holding of the Court: (1) A *subpoena duces tecum* must be as specific as a search warrant, (2) The 4th Amendment applies to such a subpoena, and (3) A corporation may avail itself of the protection of the 4th Amendment as fully as may an individual.

E. R. S.

GOODS DAMAGED BY ACT OF GOD BECAUSE OF A CARRIER'S NEGLIGENT DELAY.—There is a sharp conflict of authority among the cases upon the question of a carrier's liability for goods damaged by an act of God, where such injury would not have occurred but for the carrier's negligent delay in transporting the goods. An examination of the cases directly in point shows that they are about evenly divided, although it has been said that the greater number of cases hold the carrier not liable under such circumstances (GODDARD'S OUTLINES OF BAILMENTS AND CARRIERS, § 248), that the preponderance of authority favors the carrier (6 CYC. 382), and that the weight of authority is in accordance with this view (SCHOULER ON BAILMENTS, § 348, n. 5.)

The courts which support the rule that the carrier is not liable, base their decisions upon the theory of proximate cause, holding that the act of God, and not the negligent delay of the carrier, is the proximate cause of the injury. "A man is answerable for the consequences of a fault only so far as the same are natural and proximate, and as may, on this account, be seen by ordinary forecast. and not for those which arise from a conjunction of his